

## REMARKS

Claims 1, 3 – 9, and 11 - 21 are currently pending in this application.

### Claim Rejections – 35 USC §102

Claims 1 – 5, 7 – 11, 13 – 16, 19 – 31 were rejected as being anticipated by Barton. Barton discloses a slatwall system, track electrodes 18 mounted on the lips 72, 74 off each slot of the slatwall, a power supply for supplying power to the track electrodes; and lighting fixtures attached to the track electrodes. Claim 1 as amended includes the limitations of:

*an adaptor for engagement in a slatwall system having at least one elongated slot; an elongated track affixed to said adaptor; at least one conductor running laterally along the length of said elongated track; a power supply for supplying electrical power to each of said at least one conductor; and at least one lighting fixture attachable to the elongated track and receiving power from the elongated track.*

The law is clear and well-settled that in order for a claim to be anticipated under the standard of 35 U.S.C. 102, every claimed element must be present in the prior art reference. The Court of Appeals for the Federal Circuit clearly stated that “[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 193 (Fed. Cir. 1984). The Court of Appeals for the Federal Circuit states that for anticipation under 35 U.S.C. 102, that “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found. v. Genetech Inc.*, 18 USPQ 2d 1001 (Fed. Cir. 1991)

Claim 1, as amended by incorporating the element of claim 2, requires an adaptor that is inserted in a slot on the slatwall. The elongated track containing the conductive element is affixed to the adaptor. This allows the track system to be easily mounted and removed from the slatwall system without extensive installation or removal. This claimed element is not found in Barton. Instead, Barton installs the conductive element 18 directly on the lips 72 or 74 of the

slot. The conductive element is exposed for contact by other objects or individuals. Thus claim 1 is no longer anticipated by Barton.

This feature is found in each of the pending claims. Thus claims 1 – 5, 7 – 11, 13 – 16 and 19 – 21 are allowable for this reason.

Further, claims 3 and 11 require the electrical conductor to be mounted within an internal channel. Barton exposes the conductive element over the slot for contact with the lighting fixture on the exposed outer surface.

Claims 4 and 12 require the electrical conductor to be mounted on opposing sides of an internal channel. Barton provides the electrical conductor on only one side of the slot.

Claims 5 and 13 require the electrical conductor on the opposite side of the outer flat surface of the elongated track. If electrical conductor 18 is being considered as the elongated track, then it can not be on the opposite side of an outer surface.

Claims 7 and 15 require a rail mounted on the outer surface of the elongated track with the conductor mounted on the rail. This element is not found in Barton.

Claim 8 requires an interference element on the adaptor for fitting in the slot of the slatwall. This feature is not found in Barton.

### **Claim Rejections – 35 USC §103**

Claims 4 and 12 were rejected as being unpatentable over Barton in view of Yoshida et al. Yoshida discloses an electrical supply track having a pair of conductive members embedded in opposing ends of a supporting channel. Yoshida does not disclose an adaptor for engagement in a slot on a slatwall system or any of the elements discussed above.

Claims 17 and 18 were rejected as being unpatentable over Barton in view of Henrikson. Henrikson discloses vertical partitions for railway cars. Henrikson does not disclose an electrical lighting system, an adaptor for engagement in a slot on a slatwall system or any of the elements discussed above.

The standard to establish obviousness under 35 U.S.C. 103 has been defined by the CCPA and the CAFC to require:

1. One or more references
2. that were available to the inventor and
3. that teach

4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

In the present situation there is no disclosure, suggestion or motivation of any kind in the cited prior art to provide an adaptor that is insertable in the slots of a slatwall system, nor of an electrical track mounted on the adaptor to provide power to a lighting fixture. Thus the pending claims are allowable over the prior art.

The Applicant respectfully requests that the claims as previously presented be found allowable over the prior art. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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